NPT/CONF.2020/PC.II/WP.17

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

23 March 2018

Original: English

Second session
Geneva, 23 April–4 May 2018

Nuclear disarmament

Working paper submitted by the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes that the Treaty is an essential foundation for the pursuit of nuclear disarmament.

2. The Group of Non-Aligned States Parties to the Treaty reiterates that each article of the Treaty is binding on all States parties at all times and in all circumstances.

3. The Group of Non-Aligned States Parties to the Treaty reaffirms the principled positions of the Movement of Non-Aligned Countries on nuclear disarmament, which remains its highest priority, and on the related issue of nuclear non-proliferation in all its aspects. The Group stresses its deep concern at the threat to humanity posed by the continued existence of nuclear weapons and their possible use or threat of use. The Group also reaffirms that the total elimination of nuclear weapons and the legally binding assurance that they will never be produced again is the only absolute guarantee against the use or threat of use of nuclear weapons. The Group further stresses that efforts aimed at nuclear non-proliferation must be parallel to simultaneous efforts aiming at nuclear disarmament.

4. The Group of Non-Aligned States Parties to the Treaty recalls that, in pursuit of the full, effective and urgent implementation of the obligation of nuclear disarmament under article VI of the Treaty and paragraphs 3 and 4 (c) of the 1995 decision entitled "Principles and objectives for nuclear non-proliferation and disarmament", and building upon the 13 practical steps agreed to in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in particular the unequivocal undertaking by the nuclear-weapon States to accomplish the goal of the complete elimination of their nuclear weapons, the 2010 Review Conference agreed on an action plan on nuclear disarmament, set out in the Final Document of the 2010 Review Conference, that includes concrete measures to accelerate progress towards the total elimination of nuclear weapons.

5. In this context, the Group further recalls that the nuclear-weapon States committed, in action 5 of the Final Document of the 2010 Review Conference, to accelerate concrete progress on the steps leading to nuclear disarmament, inter alia, through: (a) rapidly moving towards an overall reduction in the global stockpile of all

18-04512 (E) 050418

Please recycle

types of nuclear weapons; (b) addressing the question of all nuclear weapons, regardless of their type or their location, as an integral part of the general nuclear disarmament process; (c) further diminishing the role and significance of nuclear weapons in all military and security concepts, doctrines and policies; (d) discussing policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons; (e) considering the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security; (f) reducing the risk of accidental use of nuclear weapons; and (g) further enhancing transparency and increasing mutual confidence.

6. The Group of Non-Aligned States Parties to the Treaty expresses deep concern at the continued lack of progress in the implementation of nuclear disarmament obligations by the nuclear-weapon States, which has polarized debate and caused increasing divisions among States parties and which could undermine the object and purpose of the Treaty and the credibility of the non-proliferation regime.

7. The Group of Non-Aligned States Parties to the Treaty underlines the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

8. In the context of the review of action 5 (c) of the Final Document of the 2010 Review Conference, the Group of Non-Aligned States Parties to the Treaty remains deeply concerned by military and security doctrines of the nuclear-weapon States that set out the rationales for the use of nuclear weapons, as demonstrated by the recent posture review by one of the nuclear-weapon States to consider expanding the circumstances in which these weapons could be used. The Group of Non-Aligned States Parties to the Treaty also remains deeply concerned by the strategic concept for the defence and security of the members of the North Atlantic Treaty Organization, which justifies the use or threat of use of nuclear weapons and maintains, unjustifiably, the concept of security based on nuclear military alliances and nuclear deterrence policies.

9. The Group of Non-Aligned States Parties to the Treaty underlines that multilateralism and multilaterally agreed solutions, in accordance with the Charter of the United Nations, provide the only sustainable method of addressing disarmament and international security issues.

10. The Group of Non-Aligned States Parties to the Treaty reiterates its strong call for the full and systematic implementation of the unequivocal undertaking given by the nuclear-weapon States at the 2000 Review Conference, including through the implementation of the 13 practical steps, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, which was also reaffirmed by the 2010 Review Conference.

11. The Group of Non-Aligned States Parties to the Treaty recalls that, in implementing the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, the nuclear-weapon States, in accordance with action 3 of the Final Document of the 2010 Review Conference, have committed to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons, including through unilateral, bilateral, regional and multilateral measures. The Group expresses its disappointment over the lack of progress in the implementation of this commitment. In this regard, the Group calls for the full compliance of the nuclear-weapon States with such undertakings towards fulfilling their legal obligations under article VI of the Treaty.

12. In this connection, the Group of Non-Aligned States Parties to the Treaty emphasizes in particular the prime importance of and the urgent need for full and prompt implementation of the commitments by the nuclear-weapon States under action 5 of the action plan on nuclear disarmament of the 2010 Review Conference.

13. Noting the reports submitted to the Preparatory Committee in 2014 regarding action 5 of the Final Document of the 2010 Review Conference, the Group of Non-Aligned States Parties to the Treaty calls upon the 2020 Review Conference to take stock and consider the next steps for the full implementation of article VI of the Treaty in realization of the objective of the total elimination of nuclear weapons.

14. The Group of Non-Aligned States Parties to the Treaty welcomes the convening of the first-ever high-level meeting of the General Assembly on nuclear disarmament on 26 September 2013, and underlines that the strong support expressed at that meeting for taking urgent and effective measures to achieve the total elimination of nuclear weapons demonstrated that nuclear disarmament remains the highest priority of the international community.

15. In this context, the Group of Non-Aligned States Parties to the Treaty welcomes the adoption by the General Assembly of resolutions 68/32, 70/34, 71/71 and 72/251 entitled "Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament", in which, in particular, the Assembly: (a) called for the urgent commencement of negotiations in the Conference on Disarmament on effective nuclear disarmament measures to achieve the total elimination of nuclear weapons, including, in particular, on a comprehensive convention on nuclear weapons; (b) decided to convene, in New York from 14 to 16 May 2018, a United Nations high-level international conference on nuclear disarmament to review the progress made in this regard; and (c) declared 26 September as the International Day for the Total Elimination of Nuclear Weapons, as well as the adoption of resolution 69/58 on this subject. The Group calls for the full implementation of these resolutions, which provide a concrete pathway for realizing the objective of nuclear disarmament.

16. The Group of Non-Aligned States Parties to the Treaty recalls action 6 of the action plan on nuclear disarmament of the 2010 Review Conference, through which all States have agreed that the Conference on Disarmament should immediately establish a subsidiary body to deal with nuclear disarmament, within the context of an agreed, comprehensive and balanced programme of work. The Group deeply regrets the continued inflexible postures of some nuclear-weapon States that have prevented the Conference on Disarmament from establishing an ad hoc committee to negotiate on nuclear disarmament.

17. In this regard, the Group of Non-Aligned States Parties to the Treaty reaffirms the urgent necessity of negotiating and bringing to a conclusion a phased programme for the complete elimination of nuclear weapons with a specified time frame.

18. In the same vein, the Group of Non-Aligned States Parties to the Treaty reiterates its call to the Conference on Disarmament to immediately establish, as the highest priority, a subsidiary body to negotiate and conclude a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction.

19. The Group of Non-Aligned States Parties to the Treaty strongly supports banning the production of fissile materials for nuclear weapons and other nuclear explosive devices and eliminating all the past production and existing stockpiles of such materials, in an irreversible and verifiable manner and taking into account both nuclear disarmament and non-proliferation objectives, without prejudice to the inalienable right of States parties to the Non-Proliferation Treaty to develop research,

production and use of nuclear energy for peaceful purposes, including their past production, existing stockpiles and future production of fissile materials under the International Atomic Energy Agency comprehensive safeguards.

20. The Group of Non-Aligned States Parties to the Treaty underlines that non-nuclear-weapon States Parties to the Treaty have already agreed to a legally binding commitment not to produce fissile materials for nuclear weapons or other nuclear explosive devices.

21. The Group of Non-Aligned States Parties to the Treaty remains deeply concerned by the lack of progress towards achieving the total elimination of nuclear weapons, despite some reports of bilateral and unilateral reductions. Any such reductions are undermined by the modernization of nuclear weapons and their delivery systems and related infrastructure by the nuclear-weapon States. In order to comply with their obligations under article VI of the Treaty, as well as with their commitments under the 13 practical steps and the action plan on nuclear disarmament of the 2010 Review Conference, the nuclear-weapon States must immediately cease their plans to further invest in modernizing, upgrading, refurbishing or extending the lives of their nuclear weapons and related facilities.

22. The Group is also concerned about the lack of tangible progress in enhancing transparency, in accordance with action 5 (g) of the action plan on nuclear disarmament of the 2010 Review Conference.

23. The Group of Non-Aligned States Parties to the Treaty, while noting the conclusion and entry into force of the New START Treaty between the Russian Federation and the United States of America, expresses concern that domestic commitments to nuclear weapon modernization in exchange for ratification of the New START Treaty undermine the minimal reductions agreed upon in it.

24. The Group of Non-Aligned States Parties to the Treaty also stresses that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons and, accordingly, calls on the nuclear-weapon States to apply the principles of transparency, irreversibility and verifiability to all such cuts, to further reduce their nuclear arsenals, both warheads and delivery systems, thus contributing to the fulfilment of their nuclear disarmament obligations and facilitating the realization of a world free of nuclear weapons at the earliest date. The Group also recalls the commitment by the Russian Federation and the United States under action 4 of the action plan on nuclear disarmament of the 2010 Review Conference for the full implementation of the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms and strongly urges them to adopt all required measures in order to achieve deeper reductions in their nuclear arsenals in realization of the objective of the total elimination of nuclear weapons.

25. The Group of Non-Aligned States Parties to the Treaty expresses concern over the negative implications of the development and deployment of anti-ballistic missile defence systems and the threat of weaponization of outer space and at the negative security consequences of the deployment of such systems, which could trigger an arms race or arms races and lead to further development of advanced missile systems and an increase in the number of nuclear weapons. The Group emphasizes the paramount importance of strict compliance with existing arms limitation and disarmament agreements relevant to outer space, including bilateral agreements, and with the existing legal regime concerning the use of outer space. The Group further emphasizes the urgent need for the commencement of substantive work, at the Conference on Disarmament, on the prevention of an arms race in outer space, in accordance with General Assembly resolution 72/26.

26. The Group of Non-Aligned States Parties to the Treaty also believes that the development and qualitative improvement of nuclear weapons and the development of advanced new types of nuclear weapons and new targeting options to serve aggressive counter-proliferation purposes and the lack of progress in diminishing the role of nuclear weapons in security policies further undermine disarmament commitments.

27. The Group of Non-Aligned States Parties to the Treaty emphasizes that the indefinite extension of the Treaty does not imply the indefinite possession by the nuclear-weapon States of their nuclear arsenals and considers, in that regard, that any assumption of indefinite possession of nuclear weapons is incompatible with the integrity and sustainability of the nuclear non-proliferation regime, both vertical and horizontal, and with the broader objective of maintaining international peace and security.

28. The Group of Non-Aligned States Parties to the Treaty further reaffirms that, pending the total elimination of nuclear weapons, it is the legitimate right of all non-nuclear-weapon States, which, in becoming parties to the Treaty have given up the nuclear weapon option, to, inter alia, receive effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances.

29. The Group of Non-Aligned States Parties to the Treaty reaffirms that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the principles and purposes of the United Nations.

30. In this regard, the Group of Non-Aligned States Parties to the Treaty recalls the advisory opinion of 8 July 1996 of the International Court of Justice on the legality of the threat or use of nuclear weapons that "there is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons" and that "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law".

31. Accordingly, the Group of Non-Aligned States Parties to the Treaty is of the view that, pending the total elimination of nuclear weapons, as the only absolute guarantee against the use or threat of use of nuclear weapons, the nuclear-weapon States shall seriously refrain, at any circumstances, from the use or threat of use of nuclear weapons against any non-nuclear-weapon States parties to the Treaty. In the view of the Group, any use or threat of use of nuclear weapons would be a crime against humanity and a violation of the principles of the Charter of the United Nations and international law, in particular international humanitarian law. The Group further believes that the mere possession of nuclear weapons is inconsistent with the principles of international humanitarian law. In this regard, the Group strongly calls for the complete exclusion of the use or threat of use of nuclear weapons from military doctrines.

32. The Group of Non-Aligned States Parties to the Treaty stresses the significance of achieving universal adherence to the Comprehensive Nuclear-Test-Ban Treaty and realizing its entry into force through its ratification by the remaining States whose ratification is required for its entry into force, including, in particular, by two nuclear-weapon States, thus contributing to the process of nuclear disarmament and the enhancement of international peace and security. The Group underlines that the nuclear-weapon States have a special responsibility to take the lead in this regard.

33. The Group of Non-Aligned States Parties to the Treaty recalls its working paper entitled "Elements for a plan of action for the elimination of nuclear weapons", which was submitted to the 2017 Preparatory Committee (see NPT/CONF.2020/PC.I/WP.23), and has presented an updated version of this plan to the 2018 Preparatory Committee.

34. The Group of Non-Aligned States Parties to the Treaty reiterates its call for the establishment, as a matter of priority, of a subsidiary body on nuclear disarmament in Main Committee I, mandated to focus on the issue of fulfilment of the obligations under article VI of the Treaty and on further practical measures required to achieve progress in that regard.

35. The Group of Non-Aligned States Parties to the Treaty expresses its determination to continue collective efforts in pursuing the realization of its priorities in the 2020 review process of the Treaty.

36. The Group of Non-Aligned States Parties to the Treaty notes with grave concern the current extensive investment, by the nuclear-weapon States, in modernizing their nuclear forces and developing more effective and newer weapons, including low-yield nuclear warheads, which, by increasing the role of these inhumane weapons in their military doctrines, lowers the threshold for the actual use of nuclear weapons. The Group strongly calls for an immediate end to this trend, which is in fact a new nuclear-arms race.

37. The Group of Non-Aligned States Parties to the Treaty reiterates, with concern, that improvements in existing nuclear weapons and the development of new types of nuclear weapons, as provided for in the military doctrines of some nuclear-weapon States, including the Nuclear Posture Review of the United States, violate those States' legal obligations on nuclear disarmament and the commitments made to diminish the role of nuclear weapons in their military and security policies, and contravene the negative security assurances provided nuclear-weapon States. The Group stresses once again that these improvements, as well as the development of new types of such weapons, violate also the commitments undertaken by the nuclear-weapon States at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty and at the Review Conferences.

38. The Group of Non-Aligned States Parties to the Treaty takes note of the fulfilment, by the Russian Federation and the United States, of their commitments under the New START Treaty, and calls for the renewal of the commitments agreed within the framework of that Treaty. Nonetheless, States members of the Group of Non-Aligned States Parties to the Treaty express their grave concern over the policies expressed in the Nuclear Posture Review and national security strategy of the United States, which run counter to its legal obligations under the Non-Proliferation Treaty and its unequivocal undertakings under the Final Documents of the Review Conferences to accomplish the total elimination of its nuclear arsenals. The Group also condemns such policies, which threaten international peace and security.

39. The Group of Non-Aligned States Parties to the Treaty commends the efforts of the States members of the Movement of Non-Aligned Countries in advancing the goal of nuclear disarmament. In this regard, it welcomes the convening, at the initiative of the Movement, under resolution 72/251, of the upcoming United Nations high-level international conference on nuclear disarmament, to be held from 14 to 16 May 2018 in New York, as a follow-up to the first-ever high-level meeting of the General Assembly on nuclear disarmament on 26 September 2013, to review the progress made in this regard. Taking into account the contribution that this conference will make to furthering the objective of nuclear disarmament, the Group urges all States parties to the Treaty to participate in the conference at the highest level.